

Amendment No. 1 to HB2095

Todd  
Signature of Sponsor

**AMEND Senate Bill No. 1845\***

**House Bill No. 2095**

By deleting all of the language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following as a new part thereto, as follows:

§ 7-51-\_\_\_\_.

(a)

(1) Notwithstanding any law to the contrary, no public entity of or owned by any municipality shall be offered for sale or lease by the municipality, or merged into any other privately held entity, unless approval is granted by referendum of the voters of the municipality.

(2) Any ordinance or resolution passed by the municipality to offer a public entity for sale, lease or merger shall not become operative until approved in an election as herein provided.

(3) Upon the passage of such an ordinance, the county election commission shall hold an election on the question pursuant to § 2-3-204, providing options to vote "FOR" or "AGAINST" the sale, lease, or merger of such a public entity, after the receipt of a certified copy of a resolution from such municipality requesting an election. The ballots used in such election shall have printed on them the substance of such resolution and the voters shall vote for or against its approval.

(b) As used in this part, unless the context otherwise requires, "public entity" means and is limited to an entity of or owned by a municipality that provides electric, gas, or water utilities to citizens of the same municipality.

(c) The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the local governing body.

(d) The qualifications of voters voting on the question shall be the same as those required for participation in general elections.

(e) All laws applicable to general elections shall apply to the determination of the approval or rejection of the sale or lease of a public entity.

(f) A majority vote of those voting in the election shall determine whether the sale, lease or merger of the public entity shall be approved. If the sale, lease or merger is approved at the election, the entity shall be sold, leased or merged as provided in the resolution. If the proposed sale, lease or merger is not approved at the election, a successive referendum on the sale, lease or merger of any such public entity shall not be held for a period of two (2) calendar years.

(g) For the purposes of this part, sale, lease or merger of a public entity shall mean more than thirty percent (30%) of the assets of such public entity are subject to sale, lease or merger.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.